

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SONTERRA CAPITAL MASTER FUND LTD.,  
FRONTPOINT EUROPEAN FUND, L.P.,  
FRONTPOINT FINANCIAL SERVICES FUND,  
L.P., FRONTPOINT HEALTHCARE FLAGSHIP  
ENHANCED FUND, L.P., FRONTPOINT  
HEALTHCARE FLAGSHIP FUND, L.P.,  
FRONTPOINT HEALTHCARE HORIZONS FUND,  
L.P., FRONTPOINT FINANCIAL HORIZONS  
FUND, L.P., FRONTPOINT UTILITY AND  
ENERGY FUND L.P., HUNTER GLOBAL  
INVESTORS FUND I, L.P., HUNTER GLOBAL  
INVESTORS OFFSHORE FUND LTD., HUNTER  
GLOBAL INVESTORS SRI FUND LTD., HG  
HOLDINGS LTD., HG HOLDINGS II LTD.,  
FRANK DIVITTO, RICHARD DENNIS, and the  
CALIFORNIA STATE TEACHERS' RETIREMENT  
SYSTEM on behalf of themselves and all others  
similarly situated,

Plaintiffs,

- against -

CREDIT SUISSE GROUP AG, CREDIT SUISSE AG,  
JPMORGAN CHASE & CO., THE ROYAL BANK OF  
SCOTLAND PLC, UBS AG, DEUTSCHE BANK AG,  
DB GROUP SERVICES UK LIMITED, TP ICAP PLC,  
TULLETT PREBON AMERICAS CORP., TULLETT  
PREBON (USA) INC., TULLETT PREBON  
FINANCIAL SERVICES LLC, TULLETT PREBON  
(EUROPE) LIMITED, COSMOREX AG, ICAP  
EUROPE LIMITED, ICAP SECURITIES USA LLC,  
NEX GROUP PLC, INTERCAPITAL CAPITAL  
MARKETS LLC, GOTTEX BROKERS SA, VELCOR  
SA AND JOHN DOE NOS. 1-50,

Defendants.

Docket No. 15-cv-00871 (SHS)

**STIPULATION AND [PROPOSED] ORDER REGARDING  
WAIVER OF SERVICE AND SETTING TIME FOR  
DEFENDANT VELCOR SA TO ANSWER, MOVE OR OTHERWISE RESPOND TO  
THE SECOND AMENDED CLASS ACTION COMPLAINT**

Plaintiffs Sonterra Capital Master Fund Ltd., FrontPoint European Fund, L.P., FrontPoint  
Financial Services Fund, L.P., FrontPoint Healthcare Flagship Enhanced Fund, L.P., FrontPoint

Healthcare Flagship Fund, L.P., FrontPoint Healthcare Horizons Fund, L.P., FrontPoint Financial Horizons Fund, L.P., FrontPoint Utility and Energy Fund, L.P., Hunter Global Investors Fund I, L.P., Hunter Global Investors Offshore Fund, Ltd., Hunter Global Investors SRI Fund Ltd., HG Holdings Ltd., HG Holdings II Ltd., Frank Divitto, Richard Dennis, and the California State Teachers' Retirement System (collectively, "Plaintiffs") and Defendant Velcor SA ("Defendant Velcor") by and through their respective undersigned counsel, subject to this Court's approval, agree and stipulate as follows:

WHEREAS, on November 6, 2017, Plaintiffs filed under seal their Second Amended Class Action Complaint ("SAC") (ECF No. 177) asserting claims against, among others, Defendant Velcor;

WHEREAS, on December 8, 2017 Plaintiffs filed publicly a redacted version of the SAC (ECF No. 185);

WHEREAS, on December 14, 2017 a Summons was issued as to 12 newly added Broker Defendants, including Defendant Velcor (ECF No. 189);

WHEREAS, on January 17, 2018, Plaintiffs and Broker Defendants TP ICAP plc, Tullett Prebon Americas Corp., Tullett Prebon (USA) Inc., Tullett Prebon Financial Services LLC, Tullett Prebon (Europe) Limited, Cosmorex AG, ICAP Europe Limited, ICAP Securities USA LLC, NEX Group plc, and Intercapital Capital Markets LLC, (collectively, the "Stipulating Broker Defendants") entered into a Stipulation and Proposed Order Regarding Waiver of Service and Setting Time for Stipulating Broker Defendants to Answer, Move or Otherwise Respond to the Second Amended Class Action Complaint (the "Broker Defendants Stipulation") and the Court So Ordered the Broker Defendants Stipulation on January 18, 2018 (ECF No. 192);

WHEREAS, on January 29, 2018, the Court issued an Order stating: “It is the Court’s intention that all Newly-Added Defendants coordinate their briefing schedules—despite the varying dates on which they either waived service or were or are formally served with the Second Amended Class Action Complaint. Any motions to dismiss the Second Amended Class Action Complaint by the Newly-Added Defendants are due by April 6, 2018.” (ECF No. 219);

WHEREAS, Plaintiffs have represented that the publicly filed redacted SAC was transmitted to Defendant Velcor by Federal Express on February 1, 2018 (ECF No. 235);

WHEREAS, Defendant Velcor has recently engaged the same counsel as the Stipulating Broker Defendants;

WHEREAS, Defendant Velcor has waived service of the SAC; and

WHEREAS, Plaintiffs have agreed that Defendant Velcor will be on the same schedule as the Stipulating Broker Defendants for the time to answer, move to dismiss, or otherwise respond to the SAC;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:


1. As previously set forth in the Court’s January 29, 2018 Order, Defendant Velcor’s deadline to answer, move or otherwise respond to the SAC shall be April 6, 2018.
2. If Defendant Velcor moves to dismiss the SAC, Plaintiffs shall respond on or before June 4, 2018 and Defendant Velcor may file its reply on or before July 3, 2018.
3. Discovery is stayed pending resolution of Defendant Velcor’s motion to dismiss; except that if Defendant Velcor moves to dismiss the SAC on the ground that this Court lacks personal jurisdiction as to it pursuant to FED. R. CIV. P. 12(b)(2), Plaintiffs may seek leave of Court to conduct jurisdictional discovery and additional time to file its opposition to the FED. R. CIV. P. 12(b)(2) motion to dismiss in order to conduct such discovery. Defendant Velcor

reserves the right to oppose any motion by Plaintiffs seeking leave of Court to conduct jurisdictional discovery and/or to obtain additional time to file their opposition(s) to the FED. R. Civ. P. 12(b)(2) motion(s) to dismiss.

4. Except as to the defense of insufficient service of process, no defense of Defendant Velcor, including without limitation defenses based upon lack of personal jurisdiction, is prejudiced or waived by Defendant Velcor's executing, agreeing to, or filing this Stipulation.


5. This Stipulation may be executed in separate counterparts, and counterparts may be executed by e-mail or facsimile, each of which shall be deemed an original.

DATED: March 15, 2018



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NEX Group plc, ICAP Securities USA LLC,  
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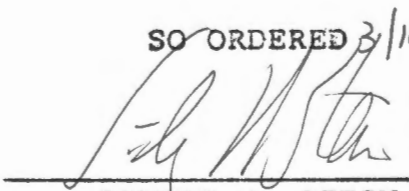
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*Additional Counsel for Plaintiffs*

SO ORDERED 3/16/18  
  
SIDNEY H. STEIN  
U.S.D.J.